

Appl. No. 10/776,851
Docket No. CM2687MQ
Amdt. dated May 7, 2007
Reply to Office Action mailed on January 9, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-7, 9, 12-13, and 16-19 are pending in the present application. Claims 8, 10-11, 14-15, and 20 are cancelled without prejudice. No additional claims fee is believed to be due.

Claims 1 and 13 have been amended. Support for the amendments is found at least on page 3, line 35- page 4, line 3; page 8, lines 8-11; page 9, lines 28-35; page 10, lines 29-33. Claims 9 and 16 have been amended to correct dependency issues. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

The Rejection under 35 U.S.C. 112, first paragraph

Claim 20 has been rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Applicants have cancelled Claim 20 without prejudice. As such, Applicants respectfully submit that the rejection under 35 U.S.C. 112, first paragraph should be withdrawn.

The Rejection under 35 U.S.C. §103(a) over Tanzer

Claims 1-8, 10, 12-15, and 17-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tanzer, *et al.*, (WO 01/15647) (hereinafter, "Tanzer"). Applicants respectfully traverse this rejection, as the reference does not establish a *prima facie* case of obviousness. Specifically, there is no suggestion or motivation to modify the reference, as required under MPEP 2143.01. Further, the reference does not teach or suggest all of Applicants' claim limitations, as required under MPEP 2143.03.

Tanzer is directed to an absorbent article having a plurality of pockets formed in at least one of the surge layer and the outer cover material, wherein the pockets contain a superabsorbent material (see Abstract). Tanzer explains that the purpose of their invention is to combine plural layers into a single layer, thereby reducing the total number of layers without yielding any function. Specifically, the Tanzer invention is directed to

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an absorbent article wherein the absorbent function is integrated into either the surge material or the outer cover material, eliminating the need for a separate central absorbent composite (page 3, lines 1-10). Further, an important feature of the Tanzer invention is to provide an absorbent article having three essential layers, namely a body-side liner, a surge layer, and an outer cover, wherein at least one of the surge layer and outer cover contains a superabsorbent layer (page 3, lines 19-21).

Amended claims of the present invention require a chassis comprising a backsheet, a topsheet, and an absorbent core comprising first and second substrate layers each having absorbent material deposited thereon to achieve a wet immobilization of more than about 50% according to the Wet Immobilization Test. One skilled in the art would not be motivated by Tanzer's teaching of integrated layers to develop a diaper comprising a topsheet, a backsheet, and a core comprising two substrate layers in order to achieve a wet immobilization of more than about 50%.

Furthermore, Tanzer does not teach or suggest a chassis comprising a backsheet, a topsheet, and an absorbent core comprising first and second substrate layers each having absorbent material deposited thereon to achieve a wet immobilization of more than about 50% according to the Wet Immobilization Test. Tanzer teaches the combination of plural layers into a single layer, thereby reducing the total number of layers, wherein the absorbent function is integrated into the condensed layers. Tanzer does not teach or suggest a chassis comprising an absorbent material resulting in a wet immobilization as claimed in the present invention. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. §103(a) over Tanzer

Claims 9, 11, and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tanzer in further view of Sauer, U.S. Patent No. 5,527,300 (hereinafter, "Sauer"). Applicants respectfully traverse this rejection, as the references do not establish a *prima facie* case of obviousness. Specifically, there is no suggestion or motivation to modify the references, as required under MPEP 2143.01. Further, the

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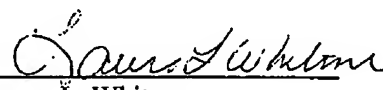
references do not teach or suggest all of Applicants' claim limitations, as required under MPEP 2143.03.

As discussed above, one skilled in the art would not be motivated by Tanzer's teaching of integrated layers to develop a diaper comprising a topsheet, a backsheet, and a core comprising two substrate layers in order to achieve a wet immobilization of more than about 50%. Furthermore, Tazner does not teach or suggest a chassis comprising a backsheet, a topsheet, and an absorbent core comprising first and second substrate layers each having absorbent material deposited thereon to achieve a wet immobilization of more than about 50% according to the Wet Immobilization Test. Sauer does nothing to remedy the shortcomings of Tanzer. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

CONCLUSION

In view of the above, Applicants respectfully submit that each of the issues raised by the Office Action has been addressed. Reconsideration and allowance of each of the pending claims is respectfully requested.

Respectfully submitted,
The Procter and Gamble Company

By 
Laura L. Whitmer
Registration No. 52,920
(513) 634-1597

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